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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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35/317,807 05/24/99 KATZ

EXAMINER

LM41/0717

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WOC, S

ART UNIT

PAPER NUMBER

2743

DATE MAILED:

07/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/317,807

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit

2743



☒ Responsive to communication(s) filed on May 2, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1 and 18-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 18-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2743

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 18, 20, 23, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Masson et al. (USPN 4,908,850, hereinafter "Masson").

Regarding claims 1, 23, Masson discloses an interface control system (Fig. 2) comprising:

call data means (channel banks 72);

selection means (system selects from a plurality of different applications ranging from simple information dissemination to automatic order entry with credit verification, order entry including operator assistance; col. 2, lines 40-49; col. 5, lines 37-48);

interconnect switch means (digital cross-connect circuit 70; col. 4, lines 47 - col. 5, line 58).

Regarding claim 18, Masson provides for certain of said formats requiring credit authorization (col. 9, line 54 - col. 10, line 29).

Regarding claims 20, 26-27, the credit card information is stored in the database for future use with regard to the particular calling terminal (col. 10, lines 29-46). Billing charges are computed and stored (col. 10, line 52+).

Art Unit: 2743

3. Claims 1, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by the article entitled "The AT&T Multi-Mode Voice systems - Full Spectrum Solutions for Speech Processing Applications" by Hester et al. (hereinafter "Hester").

Regarding claims 1, 24, Hester discloses an interface control system (note Fig. 1) comprising:

call data means (trunk interface circuits receive Touch Tone signals and DNIS (page 2, fourth paragraph - page 3, second paragraph);

selection means (selects from many different services based on DNIS and provides connection to live operators; page 3, second paragraph; page 4, third paragraph, lines 1-3);

interconnect switch means (voice switch, Fig. 1).

Regarding claim 22, speech files associated with each format are addressed by the dialed number information (page 3, second paragraph).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masson in view of Britton et al. (USPN 4,785,408, hereinafter "Britton").

Masson differs from claim 19 in that it does not specify executing a test based on the time of call. However, Britton teaches the well known use of time conditions such as time of day, day

Art Unit: 2743

of week, or day of year (col. 6, lines 32-48) for determining how the call is to be handled such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such time-based conditions, as taught by Britton, within Masson in order to restrict access to certain applications based on the time of day, day of week, or day of year.

6. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masson in view of Entenmann et al. (USPN 4,996,705, hereinafter "Entenmann").

Masson differs from claims 21 and 25 in that it does not specify executing a test based on the demographics of the calling terminal or calling number data. However, Entenmann teaches the well known use of calling telephone number data for restricting caller access based on the caller's locale (col. 2, lines 54-62) such that it would have been obvious to an artisan of ordinary skill to incorporate such use restriction in order to prevent certain calling areas from accessing specified applications, thus, giving the vendor or sponsor greater flexibility in determining how different applications are accessed.

7. Applicant's arguments filed May 2, 2000 have been fully considered but they are not persuasive.

Applicant argues that neither Masson nor Hester teach directly connecting a call to a live operator under control of call data signals. However, the redirection of a call to a live operator in response to touch tone information (call data signals), as taught by Masson (col. 8, lines 60+), or the transfer of a call to an operator attendant, as taught by Hester, reads on the coupling of the caller to either the operator or the processor.

Art Unit: 2743

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296;

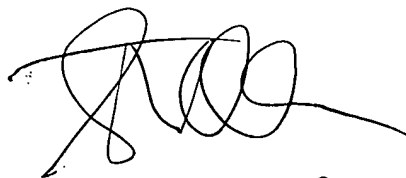
(for formal communications, please mark "EXPEDITED PROCEDURE";

and for informal or draft communications, please label "PROPOSED" or "DRAFT").

Art Unit: 2743

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:30 a.m. until 3:00 p.m. on Monday and Tuesday.

July 16, 2000

A handwritten signature in black ink, appearing to be 'Stella Woo', with a stylized, cursive script.

**STELLA WOO
PRIMARY EXAMINER**